

### **REMARKS**

Claims 11-12 are pending. By this Amendment, Claim 11 is amended. Support for the amendments to Claim 11 are provided in the paragraph bridging pages 33-34 of the Substitute Specification, which corresponds to the paragraph on page 33, lines 2-6 of the originally filed Specification, as well as Figure 14 of the Replacement Sheets filed on April 14, 2009 which corresponds to Figure 30 of the originally filed drawings.

As such, Applicants respectfully submit that no new subject matter is presented herein.

### **Entry of Response Proper**

Entry of this Amendment is proper under 37 C.F.R. §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issues requiring further search and/or consideration on the part of the Examiner as the amendments merely clarify previously considered features of the claimed invention; (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The Amendment is necessary and was not earlier presented because it is made in response to objections raised in the Final Rejection. Entry of the Amendment is thus respectfully requested.

### **Drawings**

The drawings are objected to for reference characters (20, 22a, 120, 220, and 126) being in the wrong location, as well as the plane upon which section view figure 2 being taken is not being indicated on the view from which the section is cut. Enclosed

herein are Replacement Sheets of Formal Drawing Figures 1, 3-5 and 14-15, which have been amended to address informalities that form the basis of the objection. Withdrawal of the objection is respectfully requested.

The drawings are objected under 37 C.F.R. 1.83(a) because the drawings fail to show: 1) the constant tooth thickness of the straight peak of the shaft tooth section; and 2) the constant tooth thickness of the straight peak of the hub tooth section.

Applicants respectfully traverse the objection of the drawings for the following reasons.

As for objection 1), Applicants note Figures 14 and 15 of the Replacement Sheets, which correspond to Figures 30 and 31 of the originally filed drawings, clearly and unambiguously show the straight peak 122a and 222a of the shaft tooth section 122 and 222 having a constant tooth thickness, as described in paragraph 17, lines 16-18 of the Substitute Specification filed on April 14, 2009, which corresponds to the paragraph bridging pages 32 and 33 of the originally filed Specification. Accordingly, Applicants respectfully submit that by merely reading either one of the Specifications, one of any skill in the industry to which the claimed invention pertains would readily conclude the basis of objection 1) is without merit, therefore, Applicants request the objection be withdrawn.

As for the objection 2, Applicants again note Figures 14 and 15 of the Replacement Sheets, which correspond to Figures 30 and 31 of the originally filed drawings, clearly and unambiguously show the straight peak 128a and 228a of the hub tooth section 128 and 228 having a constant tooth thickness, as described in paragraph 17, lines 19-23 of the Substitute Specification filed on April 14, 2009, which corresponds

to the paragraph on page 33, lines 2-6 of the originally filed Specification. Accordingly, Applicants respectfully submit that by merely reading either one of the Specifications, one of any skill in the industry to which the claimed invention pertains would readily conclude the basis of objection 2) is without merit, therefore, Applicants request the objection be withdrawn.

### **Specification**

The Specification is objected to for failing to provide proper antecedent basis for the claimed subject matter, in particular, the recitations: 1) "said hub tooth has a straight peak opposing the step region of said shaft tooth section"; 2) "said shaft tooth section has a straight peak having a constant tooth thickness"; and 3) "said peak of said hub tooth section having a constant tooth thickness" lack proper antecedent basis in the Specification.

Applicants respectfully traverse the basis of the objections for at least the following reasons.

As for objection 1), Applicants note Figures 14 and 15 of the Replacement Sheets, which correspond to Figures 30 and 31 of the originally filed drawings, clearly and unambiguously show the straight peak 128a and 228a of the hub tooth section 128 and 228 oppose the step region 130 and 230 of the shaft tooth section 122, 222. The Substitute Specification filed on April 14, 2009 and the originally filed Specification clearly and unambiguously describe the straight peak 128a and 228a of the hub tooth section 128, 228 in a manner that fully supports that which is recited by the pending claims. Accordingly, Applicants respectfully submit that by merely reading either one of the Specifications, taken with that which is illustrated in the drawings of the application,

one of any skill in the industry to which the claimed invention pertains would readily conclude the basis of objection 1) is without merit, therefore, Applicants request the objection be withdrawn.

As for objection 2), Applicants note the paragraph bridging pages 10 and 11 of the Substitute Specification filed on April 14, 2009, which corresponds to the paragraph bridging pages 9 and 10 of the originally filed Specification, taken together with Figure 2 of the drawings, clearly and unambiguously describe the straight peak 122a and 222a of the shaft tooth section 122, 222 in a manner that fully supports that which is recited by the pending claims. Accordingly, Applicants respectfully submit that by merely reading either one of the Specifications, taken with that which is illustrated in the drawings of the application, one of any skill in the industry to which the claimed invention pertains would readily conclude the basis of objection 2) is without merit, therefore, Applicants request the objection be withdrawn.

As for objection 3) Applicants note the paragraph on page 11, lines 12-25 of the Substitute Specification, which corresponds to the paragraph bridging pages 10 and 11 of the originally filed Specification, taken together with Figure 2 of the drawings clearly and unambiguously describe the straight peak 128a and 228a of the hub tooth section 128, 228 in a manner that fully supports that which is recited by the pending claims. Accordingly, Applicants respectfully submit that by merely reading either one of the Specifications, taken with that which is illustrated in the drawings of the application, one of any skill in the industry to which the claimed invention pertains would readily conclude the basis of objection 3) is without merit, therefore, Applicants request the objection be withdrawn.

### **Applicants Comments Regarding Objection to Drawings and Specification**

Applicants are desirous of obtaining a proper, valid and enforceable patent. As such, Applicants are willing to spend the time and monies necessary to obtain such a patent through the examination process established by the United States Patent Office. That is, Applicants are willing to clarify any points of confusion or vagueness if such steps are necessary for the Applicants to obtain a proper, valid and enforceable patent.

However, as is clear from the above objections and comments with respect thereto, Applicants have had to traverse objections that are, quite frankly, baseless, especially if one were to simply read either the originally filed Specification, or the Substitute Specification, taken together with the drawings. Moreover, Applicants note the application was filed over four (4) years ago and is now subject to a third Office Action. While applicants presume the intentions of the Office are genuine and free of malice, the objections contained herein (not counting the misplaced reference characters or omitted section line), which amount to nonsense, should have been addressed previously during prosecution of the application, even though Applicants submit such objections are improper and should have never even appeared in the file history. As Applicants are obligated to fully response to each rejection and objection contained in an Office Action, Applicants have now had to spend time and money answering objections that are, in view of the record, improper. Applicants are merely requesting that as prosecution continues, the Office keep in mind the fact that applicants in general do not have infinite financial and temporal resources to exhaust while responding to objections issued by the Office that are without merit when the answer to the objections is contained in the record of the subject application and should

have, at this point in the prosecution history of the application, been well known and understood.

**Claim Rejections – 35 U.S.C. §102**

Claims 11-12 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Number 7,052,402 to Ichikawa et al. (Ichikawa). Applicants respectfully traverse the rejection for at least the following reason(s).

Claim 11 recites a power transmission mechanism including a shaft and a hub, wherein the power transmission mechanism also includes, among other features, a hub tooth section formed on the hub and having a straight peak that has a constant inside diameter ( $\Phi D3$ ) which radially opposes a valley and a step region of a shaft tooth section of the shaft from an end of the shaft toward a shaft shank in an axial direction of the shaft.

Conversely, the marked-up version of Figure 11 of Ichikawa that is attached to the Office Action dated June 25, 2009, the straight peak A3 of the hub tooth section 104 does not have a constant outside diameter that radially opposes the valley and step region A2 of the shaft tooth section 204. Applicants note the outside diameter of the straight peak A3 that radially opposes the valley is not the same as the outside diameter of the straight peak A3 that radially opposes the step region A2. Ichikawa teaches the hub tooth section has a constant inside diameter, and the shaft tooth section has a constant outside diameter in the meshing part. Thus, a straight shape is used in each section to be meshed.

That is, Applicants respectfully submit that Ichikawa does not disclose, teach or suggest each and every feature recited by Claim 11.

To qualify as prior art under 35 U.S.C. §102, each and every feature recited by a rejected claim must be disclosed by the art of record. As explained above, Ichikawa does not disclose each and every feature recited by Claim 11. Therefore, Applicants respectfully submit that Claim 11 is not anticipated by, or rendered obvious in view of, Ichikawa and should be deemed allowable.

Claim 12 depends from Claim 11. Applicants respectfully submit that this dependent claim be deemed allowable over Ichikawa for at least the same reason(s) that Claim 11 is allowable, as well as for the additional subject matter recited therein.

Applicants respectfully request withdrawal of the rejection.

**Point of Clarification and Retraction**

Applicants wish to clarify, and where applicable, retract, the following erroneous statements made by the Applicants' representative in the Response of September 21, 2009. As correctly noted by the Examiner in the paragraph bridging pages 5 and 6 of the Office Action, Ichikawa does not expressly teach or suggest any tooth thickness that is variable as was erroneously argued in the September 21, 2009 Response.

Applicants' representative intended to submit that Ichikawa teaches the structural feature wherein a diameter of a peak of a shaft tooth section and a diameter of a valley of a hub tooth section are both constant in a portion where the shaft tooth section and hub tooth section mesh with each other. In this regard, Applicants' representative intended to have the "constant tooth" feature mean that each tooth has a consistent dimension in a direction that is perpendicular to the X (axial) direction in the schematic diagram attached to the previous Response, that is, in the width direction.

Accordingly, although Applicants' representative erroneously argued that the tooth thickness in Ichikawa is not constant in the meshing part, Applicants intended to argue, and herein submit, that both tooth section in Ichikawa have constant diameters in the meshing part.

Applicants' representative respectfully apologizes for any inconvenience caused by the erroneous statements submitted in the previous Response.

### **Conclusion**

In view of the foregoing, Applicants respectfully request reconsideration of the application, withdrawal of the outstanding objection and rejection, allowance of Claims 11 and 12, and the prompt issuance of a Notice of Allowability.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.



In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing Attorney Docket Number 025416.00025.**

Respectfully submitted,



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Enclosures: Replacement Sheets of Formal Drawing Figures 1, 3-5 and 14-15